

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY P. MARIANO,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:13-0097
	:	
v.	:	
	:	(JUDGE MANNION)
BOROUGH OF DICKSON CITY, ANTHONY ZALESKI, <i>et al.</i>	:	
	:	
Defendants	:	

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY**

ORDERED THAT:

- (1) Defendants' motion to dismiss, (Doc. No. [17](#)), the plaintiff's claims against individual defendants in their official capacities is **GRANTED**;
- (2) Defendants' motion to dismiss the plaintiff's claim for violation of procedural due process in terminating his employment is **DENIED**;
- (3) Defendants' motion to dismiss plaintiff's claim for violation of procedural due process in injuring his reputation is **DENIED** as to Chief Bilinski;
- (4) Defendants' motion to dismiss plaintiff's claim for violation of procedural due process in injuring his reputation is **GRANTED** as to defendants Zaleski, Mecca, Prushinski, Hall, Louryk, Kovaleski, Fedorka, and Horvath. Plaintiff will be granted an opportunity to amend his complaint on this claim. Plaintiff shall amend his complaint on or before **December 16, 2013**.
- (5) Defendants' motion to dismiss is **GRANTED** as to plaintiff's claims for violation of substantive due process;

- (6) Defendants' motion to dismiss Counts II, III, and IV of the amended complaint, (Doc. No. [11](#)), against the Borough of Dickson City is **GRANTED**;
- (7) Defendants' motion to dismiss Counts II, III, and IV of the amended complaint against defendants Zaleski, Mecca, Prushinski, Hall, Louryk, Kovaleski, Fedorka, and Horvath is **GRANTED**;
- (8) Defendants' motion to dismiss Counts III and IV of the amended complaint is **GRANTED** as to Chief Bilinski. Plaintiff may amend his complaint regarding Count III on or before **December 16, 2013**; and
- (9) Defendants' motion to dismiss Count II of the amended complaint is **DENIED** as to Chief Bilinski.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: December 2, 2013

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